

## CHILD SUPPORT, THE COURTS, AND YOU

### APPENDIX C: GLOSSARY OF IMPORTANT TERMS

This glossary provides definitions for legal terminology used in this Web site.

**Administrative Order:** A child support order entered by the Virginia Division of Child Support Enforcement.

**Appeal Bond:** A bond that is required to be paid to have a case heard in Circuit Court after a decision in a Juvenile and Domestic Relations District Court.

**Appearance:** Officially coming before a court of law either in person or through an attorney.

**Appellant:** A party who appeals an action from a lower court to a higher court.

**Appellee:** In an appeal to a higher court, the party that did not note the appeal.

**Arrears/arrearages:** Unpaid child support that is still due and owing.

**Attorney-Client Relationship:** The confidential working relationship between an attorney and their client.

**Child Support:** The requirement of parents to contribute to the economic maintenance of their child(ren). The Commonwealth of Virginia has child support guidelines that must be followed in awarding child support. The guidelines provide a formula for calculating support based on the number of children in the family, and the gross income of the adults. The court will review apply the guidelines to determine the amount of child support.

**Child Support Guidelines:** A mathematical approach to determining the amount of child support based on a table of support amounts created by the General Assembly.

**Circuit Court:** The lowest “court of record” in Virginia; appeals from a Juvenile and Domestic Relations District Court are heard by a Circuit Court.

**Civil:** A civil action is a law suit that does not involve the criminal statutes of the United States or of a state.

**Clear and Convincing Evidence:** A standard of proof that is more than a mere preponderance of the evidence, but less than beyond a reasonable doubt.

**Compliance:** The degree of meeting all obligations required by a child support order.

**Consumer Credit Protection Act:** A federal law that limits the amount of money that can be garnished from a paycheck.

**Contempt of Court:** A punishable violation by either disobeying an order of the court or acting inappropriately in court.

**Continuance/Continued:** A hearing that is rescheduled to be completed on another day.

**Courts of Record:** Circuit and Appellate Courts in Virginia where there is a written record of what transpired.

**Courts Not of Record:** District courts of Virginia where there is no written record of what transpired in court.

**Current Support:** Child support that must be paid on a reoccurring basis such as weekly, biweekly or monthly until the order of support is terminated.

**Custodial parent:** The parent who lives with a child the majority of the time.

**Defenses:** Excuses or reasons justifying a persons behavior given in court to counter an allegation of wrong-doing.

**Delinquent:** Behind schedule, not current.

**Disability benefits:** Benefits from either the government or a private company to compensate a person if they become physically or mentally disabled.

**Division of Child Support Enforcement (Division or DCSE):** The Virginia administrative agency that assists parents and the Commonwealth with child support issues.

**Docket:** A court's calendar of all cases scheduled to come before it at a certain date and/or time.

**Emancipation/Emancipates:** The act of a child becoming legally an adult.

**Evidence:** The testimony of witnesses and documents which are presented to the court and considered by the court in making a decision.

**Findings:** The decisions made by a court after a hearing.

**Fines:** Monetary penalties assessed by a court as a form of punishment.

**Garnish/garnishment:** Money taken directly from a paycheck or other funds due a person prior to the person receiving their portion of the funds.

**Genetic Testing:** A scientific way of testing individual's DNA to determine if he or she is a parent of a child.

**Gross income:** All income of an individual regardless of the source prior to any deductions.

**Imputing Income:** The practice of the court to assign a level of income to an individual when calculating the child support guidelines based on the person's work history, education, ability, and other factors.

**Incarceration:** Serving time in jail or prison.

**Judgment at law:** A judgment or decision against an individual, company, etc., that is automatic and requires no additional action by a court.

**Jurisdiction:** The authority of a court to address either certain topics or over certain persons.

**Juvenile and Domestic Relations District Court (JDR):** A court not of record in Virginia that handles family law matters, to include child support.

**Material Change of Circumstances:** A significant change in either the needs of the child or of a parent's ability to support a child.

**Motion:** A request to the court in a case that the court has already entered an order in.

**Motion to transfer:** A request to a court to send the court's file and authority over a case to another court.

**Motion to rehear:** A request to a court that must be made within 30 days of a court's order to reconsider a matter that came before it.

**Motion to review:** A request to a court to recalculate the child support guidelines in a case it has already entered an order for.

**Non-custodial parent:** The parent who does not live a majority of the time with a child.

**Note an Appeal:** The formal act of appealing a case from a lower to a higher court.

**Party:** In a child support case there are two opposing parties: the custodial parent seeking child support and the non-custodial parent who provides support.

**Paternity:** The determination of a child's father.

**Per child:** A child support order that requires a specific amount of support to be paid for each child on the order.

**Personal Jurisdiction:** The authority of a court to require a person to submit to its orders.

**Personal Service:** To provide a court summons or subpoena to an individual in person.

**Petition:** The official court paperwork required to start a new case or request an action for a court on a new matter.

**Pleadings:** The paperwork that accompanies a petition that gives the reasons or rationale for why the court should take a specific action.

**Preponderance of the Evidence:** The lowest level of evidentiary proof; merely more than half of the evidence that supports a certain proposition is the preponderance of the evidence.

**Proration/prorated cases:** When a non-custodial parent has two or more cases with the Division of Child Support Enforcement. The Division of Child Support Enforcement is required by state law to split any payments it receives among each case of a non-custodial parent.

**Public Assistance:** Any form of government welfare for single parents with children, to include Temporary Assistance to Needy Families, Aid to Dependent Children, etc.

**Review hearings:** A court hearing held to follow the progress of a party in complying with an order of the court.

**Rule to Show Cause:** In Virginia, the legal paperwork filed with a court to request it to enforce its order.

**Security:** Bond or other funds that is provided to secure an appeal.

**Show Cause:** A hearing where a party that is alleged to have violated a court's order must explain or "show cause" to the court its actions.

**Subject Matter Jurisdiction:** The authority of a court to hear certain types of cases.

**Subpoena:** A form issued by the court requiring a witness to appear in court and/or bring documents.

**Superseded:** Replace or take the place of.

**Suspended sentence:** A sentence that is adjudicated by a court but where the individual does not have to serve any active jail time.

**Summons:** A form issued by the court requiring a party to appear in court.

**Uniform Interstate Family Support Act:** A uniform set of laws passed in all fifty states that sets common procedures for handling interstate child support cases.

**Unitary:** A child support order in which a sum of money must be paid for all children, regardless of how many children or when each emancipates.

**Venue:** The location of a court.

**Income Withholding/Wage Withholding:** An order of the court directing an employee's earnings be garnished to pay his or her child support.